



# PROPOSED RULE MAKING

CR-102 (April 2005)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: State Board of Health

- ☒ Preproposal Statement of Inquiry was filed as WSR 05-03-054 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject) WAC 246-100-166 Immunizations of childcare and school children against certain vaccine preventable diseases.

Hearing location(s):  
Red Lion Hotel  
2300 Evergreen Park Drive  
Olympia, WA 98502

Submit written comments to:

Name: Ruth McDougall  
Address: P.O. Box 47830, Olympia, WA 98504 or  
electronically on the internet at  
<http://www3.doh.wa.gov/policyreview>

fax ( 360-236-3590 ) by (date) July 6, 2005

Assistance for persons with disabilities: Contact

Desiree Robinson by July 5, 2005

TTY ( 800 ) 833-6388 or ( 360 ) 236-4107

Date: July 13, 2005 Time: 10:30 a.m.

Date of intended adoption: July 13, 2005

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

WAC 246-100-166 is to be revised to require immunization against varicella (chickenpox) or documentation of disease as a condition for children 19 months through age 12 in licensed child care centers or schools.

The Advisory Council on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Medicine recommend vaccination of children against varicella. The Washington State Vaccine Advisory Committee recommends a requirement of immunity for children ages 19 months through 12 years of age.

The effectiveness and efficacy of this vaccine has been demonstrated. Children who do not contract the disease or receive a varicella vaccination during childhood are at risk of serious complications as adults if they contract the disease later in life. Shingles is a local manifestation of reactivation of latent varicella infection. As of February 2005, 38 states have a child care/school requirement; 19 of those states have middle school requirement in addition to school entry; 2 states have a child care only requirement and 5 states have a school entry only requirement.

There may be significant economic losses associated with parents having to stay home to tend to children with chickenpox.

Reasons supporting proposal: This rule change will reduce the likelihood of children contracting chickenpox, and will help reduce the number of individuals who contract the disease later in life.

Statutory authority for adoption: RCW 28A.210.140

Statute being implemented: 28A.210.140

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No  
Federal Court Decision? ☐ Yes ☒ No  
State Court Decision? ☐ Yes ☒ No  
If yes, CITATION:

DATE

4/31/05

NAME (type or print)  
Craig McLaughlin

SIGNATURE

TITLE Executive Director State Board of Health

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUN 1 2005

TIME 10:54

WSR 05-12-139

AM  
PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Washington State Board of Health

- ☐ Private  
☐ Public  
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Ruth McDougall	DOH NewMarket Campus, Bldg 1, Tumwater, WA	( 360-236-3760 )
Implementation....	Janna Bardi	DOH NewMarket Campus, Bldg 1, Tumwater, WA	( 360-236-3568 )
Enforcement.....	Janna Bardi	DOH NewMarket Campus, Bldg 1, Tumwater, WA	( 360-236-3568 )

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The department did not prepare a small business economic impact statement because the proposed rule does not impose more than minor costs on the small businesses that must comply with it.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Ala Mofidi

Address: PO Box 47890

Olympia, WA 98504-7890

phone (360) 236-4055

fax (360) 586-7424

e-mail Ala.Mofidi@doh.wa.gov

☐ No: Please explain:

AMENDATORY SECTION (Amending WSR 05-08-094, filed 4/1/05, effective 5/2/05)

**WAC 246-100-166 Immunization of child care and school children against certain vaccine-preventable diseases.** (1) Purpose. Under the authority of RCW 43.20.050 and 28A.210.140, the state board of health is empowered to adopt rules to establish immunization requirements upon entry into school and child care. The following rule improves the public health of Washington by preventing vaccine-preventable disease outbreaks.

(2) Definitions. The words and phrases in this section have the following meanings:

(a) Certificate of immunization status (CIS) means:

(i) A certificate of immunization status form approved by the department; or

(ii) A CHILD profile immunization record; or

(iii) Any other immunization form approved by the department.

(b) "Chief administrator" means:

(i) The person with the authority and responsibility for supervising the immediate operation of a school or child care; or

(ii) A person designated in writing by the statutory or corporate board of directors of the school district or school; or

(iii) In the absence of the above, a person or persons with the authority and responsibility for supervising the general operation of the school district.

(c) "Child" means any person regardless of age admitted to:

(i) Any public school district; or

(ii) Any private school or private institution subject to approval by the state board of education or described in RCW 28A.305.130 and 28A.195.010 through 28A.195.060; or

(iii) Any child care center.

(d) "Child care center" means any licensed facility or center that regularly provides care of children for periods of less than twenty-four hours per day subject to licensure by the department of social and health services as described in chapter 74.15 RCW.

(e) "Conditional status" is a type of immunization status where a child is not fully immunized under (g) of this subsection and is in the process of completing the required immunizations for his/her age.

(f) "Exemption" is a type of immunization status where a child is not fully immunized under (g) of this subsection and meets school and child care documentation requirements under subsection (4)(b)(i) of this section.

(g) "Full immunization" or "fully immunized" is an immunization status where a child has been vaccinated at ages and intervals consistent with the national immunization guidelines, with immunizing agents against:

(A) Diphtheria;  
(B) Tetanus;  
(C) Pertussis (whooping cough);  
(D) Poliomyelitis;  
(E) Measles (rubeola);  
(F) Mumps;  
(G) Rubella;  
(H) Hepatitis B; ((and))  
(I) Haemophilus influenzae type B disease; and  
(J) Varicella for children under thirteen years of age, admitted to school or child care after July 1, 2006.

(h) "Immunizing agent" means any vaccine or other immunologic drug licensed and approved by the United States Food and Drug Administration (FDA), or meeting World Health Organization (WHO) requirements, for immunization of persons against vaccine-preventable diseases.

(i) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county or combined county health district.

(j) "National immunization guidelines" means the schedule for the immunization described in the "Recommended Childhood and Adolescent Immunization Schedule: United States--2005" approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

(k) "Parent" means, for the purposes of signature requirements in this rule:

(i) The mother, father, legal guardian, or any adult in loco parentis of a child seventeen years of age or younger; or

(ii) A person eighteen years of age or older; or

(iii) An emancipated minor.

(l) "School" means a facility, site, or campus for programs of education as defined in RCW 28A.210.070 to include preschool and kindergarten through grade twelve.

(3) Documentation of immunization status required by schools and child care center.

(a) Schools and child care centers shall require documented proof of immunization status in the form of a CIS.

(b) The CIS form must include:

(i) Name of child or student;

(ii) Birth date;

(iii) Type of vaccine(s) administered;

(iv) Month, day, and year of each dose of vaccine received;

(v) Documentation of immunization status to indicate:

(A) Full immunization under subsection (2) (g) of this section;  
or

(B) Conditional status under subsection (2) (e) of this section; or

(C) Exemption under subsection (2) (f) of this section;

(vi) Notice to parents that if an outbreak of vaccine-preventable disease for which the child is exempted occurs, the

child may be excluded from school or child care for the duration of the outbreak;

(vii) Parent signature.

(c) As proof of a child's immunization status against varicella, schools and child care centers may accept one of the following:

(i) Documentation on the CIS form that the child received age appropriate varicella vaccine; or

(ii) Documentation by the parent that a child has a history of varicella; or

(iii) Serologic proof of immunity against varicella.

(4) Duty of schools and child care centers.

(a) Schools and child care centers shall require a CIS form, signed by parents, for new enrollees registering for admission into kindergarten through grade twelve or child care as a requirement of admission.

(b) Full immunization is required upon admission unless:

(i) Parent(s) sign and submit a CIS form indicating a medical exemption.

(A) A permanent medical exemption is allowed when a signature of a licensed medical doctor (M.D.), a doctor of osteopathy (O.D.), doctor of naturopathy (N.D.), physician assistant (P.A.), or nurse practitioner (A.R.N.P.), acting within the scope of practice, certifies medical reasons to defer or forego one or more immunizations required for full immunization under subsection (2)(g) of this section.

(B) If immunizations are deferred on a temporary basis, the student must receive the required immunizations upon expiration of the exemption.

(ii) Parent(s) sign and submit a CIS form indicating a religious or philosophical, or personal exemption.

(iii) Parent(s) sign and submit a CIS form indicating conditional status if there is evidence of satisfactory progress toward full immunization, including:

(A) Documentation of start or continuance towards full immunization status;

(B) Documentation that immunizations received are consistent with the National Immunization Guidelines defined in subsection (2)(j) of this section; and

(C) Documentation of when the next immunization is due.

(c) Schools and child care centers maintenance of child immunization records:

(i) Schools and child care centers shall keep a department approved CIS for each enrolled child.

(ii) Schools and child care centers shall keep a list of children with medical, religious, philosophical, or personal exemptions.

(iii) The chief administrator shall retain records for at least three years on a child who is excluded from school under this section. The record must include the child's name, address, and date of exclusion.

(d) Schools and child care centers shall transmit the list of children with medical, religious, philosophical, or personal

exemptions to the local health department upon request.

(e) A school or child care center shall return the department approved CIS or a legible copy to the parent if the child is withdrawn from school or child care or transferred from the school.

(f) A school or child care center may not withhold a child's department approved CIS for any reasons, including nonpayment of school child care fees.

(g) A school or child care center shall provide access to immunization records to agents of the state or local health department of each child enrolled.

(h) The chief administrator of a school or child care center shall submit a school immunization status report under chapter 28A.210 RCW either electronically on the internet or on the school immunization status report provided by the department. The report must be:

- (i) Submitted to the department by November 1 of each year;
- (ii) If a school opens after October 1, the report is due thirty days from the first day of school.

(5) Persons or organizations administering immunizations, either public or private shall:

(a) Furnish each person immunized, or his or her parent, with a written record of immunization containing information required by the state board of health; and

(b) Provide immunizations and records in accordance with chapter 246-100 WAC.

(6) A school or child care center shall exclude a child if one or more of the following applies:

(a) Parent(s) fail to provide a completed CIS form on or before the child's first day of attendance. Schools must use procedures consistent with Title 180 WAC.

(b) A child admitted under conditional status has not received the required immunization(s) within one month from the date due for completion of the next dose.

(c) A child has been admitted under a medical exemption and the particular vaccine for which the exemption was granted is no longer contraindicated and the child has not received the immunization within one month from the due date for completion of the next dose.

(7) A local health officer may exclude a child from school or child care under chapter 246-110 WAC during an outbreak of a vaccine-preventable disease if the child has not been fully immunized against that disease due to:

- (a) Medical exemption;
- (b) Conditional status;
- (c) Religious exemption;
- (d) Philosophical exemption; or
- (e) Personal exemption.

(8) Implementation.

(a) The department shall develop and distribute implementation guidelines for schools and child care centers that:

(i) Interpret immunization requirements by grade level consistent with the ages specified in the national immunization guidelines and this section; and

(ii) Reflect national immunization guidelines for children who did not receive required immunizations prior to entry into kindergarten or first grade, and for whom a full series of immunizations is not recommended.

(b) The department may develop school implementation guidelines that waive or modify immunization requirements when a phasing-in period is warranted for a new immunization mandate, when there is limited availability of a required immunizing agent, or when new information about the safety or efficacy of an immunizing agent prompts a reevaluation of an existing vaccination requirement. Any waiver or modification must:

(i) Reflect the best available medical research as indicated by the ACIP or the state health officer recommendation;

(ii) Identify a specific vaccine-preventable disease or immunizing agent;

(iii) Identify a specific cohort of children by age or grade level;

(iv) Be limited in duration; and

(v) Be approved by the board.